

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:07cr34**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>LARRY JAMES MILLER,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

THIS CAUSE came on to be heard, in chambers, before the undersigned, pursuant to the directive issued by the undersigned in an “Amended Order” (#18) filed in this cause on March 27, 2008, the terms and conditions of which are incorporated herein by reference. In the order, the undersigned directed that Ronald E. Justice, Jr., counsel for the defendant, and Deputy Marshal Lee Banks communicate with each other on or before April 1, 2008 to see if issues and concerns of the court regarding the delivery and administration of medication to the defendant could be resolved. The undersigned has now been advised that an examination has been scheduled for the defendant, which is to take place on Friday, April 4, 2008. The purpose of the examination is for the examining physician or psychologist to determine what, if any, medications should be prescribed for the defendant and the amounts and method of administering those prescribed medications to the defendant. Deputy Marshal Banks and Mr. Justice have requested that the court continue the

hearing that was scheduled for April 4, 2008 at 9:30 o'clock a.m. until April 11, 2008 at 9:30 o'clock a.m. so that the examination can take place to see if the concerns of the court can be satisfied as set forth in the Order filed on March 27, 2008. The court agrees with this request and will order that the hearing originally scheduled for April 4, 2008 at 9:30 o'clock a.m. in this matter be continued until April 11, 2008 at 9:30 o'clock a.m.

To assist the examining physician or psychologist in their examination, the defendant or his counsel have signed and executed a medical release such that copies of a report of the evaluations performed upon the defendant by the Metropolitan Correctional Center of New York, New York and which were dated January 3, 2008 may be delivered to the examining physician or psychologist to assist in the assessment and treatment of the defendant. The undersigned will order a copy of the report be provided to the examining physician or psychologist.

It shall additionally be ordered that a copy of the report be made by the clerk and transported in a sealed envelope and delivered to the examining physician or psychologist for their use and benefit in their assessment and treatment of the defendant. It is further ordered that the physician or psychologist is not to reveal or disclose the contents of the report to any other person. The United States Marshal Service shall be responsible for delivery of the envelope containing the report to the

examining physician or psychologist.

## **ORDER**

IT IS, THEREFORE, **ORDERED**:

1. That the hearing scheduled in the above entitled matter for April 4, 2008 is hereby **CONTINUED** and shall be scheduled for April 11, 2008 at 9:30 o'clock a.m.

2. That the clerk prepare a copy of the report of the Metropolitan Correctional Center concerning an examination of the defendant and place it in a sealed envelope and deliver it to the United States Marshal Service and that the United States Marshal Service is **ORDERED** to deliver the envelope to the examining physician or psychologist for their use and benefit in making an examination of the defendant.

3. The examining physician or psychologist is **ORDERED** and directed not to disclose the contents of the report to any other person.

Signed: April 3, 2008



Dennis L. Howell  
United States Magistrate Judge

